USPTO USPTO

THE UNITED STATES PATENT AND TRADEMARK OFFICE

2008 MAY 16 PM 4: 11

In re Application of:

Arkadiy MORGENSHTEIN et al

Serial No.:

10/648,474

Filed:

August 27, 2003

For:

LOGIC CIRCUIT AND METHOD OF

LOGIC CIRCUIT DESIGN

Examiner:

Chang, Daniel D.

Group Art Unit: 2819

Attorney

Docket: 26327

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

### REQUEST FOR REFUND UNDER 37 CFR 1.26

Sir:

During the course of prosecuting the above-identified application, Applicant filed a Request for Continued Examination (RCE) on August 4, 2006.

Applicant, through error and mistake, erred in calculating the fees required when filing an RCE, and authorized excess filing fee payments based on the total number of claims then pending in the application, as well as the \$395.00 RCE fee, even though no additional claims were introduced at the time of filing of the RCE.

These authorized charges were then debited from Applicant's Deposit Account 501407. It is requested that these excess charges, made by mistake, be refunded to Applicants Deposit Account 501407.

The details of the errors are as follows:

Applicant authorized (see attachment) the RCE filing charge of \$ 395, as well as \$ 700 for 28 additional claims over 20, and \$ 100 for 1 additional independent claims over 3, even though the above claims had been previously paid for and no new claims

were introduced with the filing of the RCE. These charges were debited on August 8, 2006 from Applicants Deposit Account 501407. The charges for the excess claims fees (Fee Codes 2201 and 2202) were <u>not</u> required and paid by mistake.

#### A refund of \$ 800 is deemed to be in order.

Applicant has not previously asked for a refund of these charges made in error. Applicant has not been refunded the excess charges requested herein.

This request for refund is being made within two years of the charge against the Deposit Account.

This request for refund is clearly one that was paid by mistake, and in excess of that required and is contemplated by 37 CFR 1.26.

Favorable consideration of this Refund request is earnestly solicited.

Respectfully submitted,

Martin Moynihan,

Registration No. 40,338

Date: May 15, 2008

PTO/SB/30 (08-00)
Approved for use through 10/31/2002, OMB 0851-0031
U.S. Patent and Tradement Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, response are excluded to respond to a calculous of thirmscon unitare it displays a walk OMB control number.

## REQUEST

# CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or efter June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

10/648,474
August 27, 2003
Daniel D. Chang
Arkadiy MORGENSHTEIN
2819
26327

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term edjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2009); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

establis	ned RCE practica.	· · · · · · · · · · · · · · · · · · ·					
1.	Submission	n required	under 37 C	.F.R. § 1.114	,		
a. C	Previously a	submitted					
	(Any unentered	d amendment(s)	referred to above	e will be entered).	_	previously filed on	
ij.	□ Consider	the argume	ents in the A	∖ppeal Brief o	r Reply Bri	ef previously filed on _	
b. 🛭	Enclosed						
ī.	M Amenda	entReply					•
	☐ Affidavit(		on(s)				
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v.	C Other			i			
2.	Miscellane	ous					
<b>a</b> .	□ Suspension	on of action o	on the above-	identified appli	cation is req	uested under 37 C.F.R.	§
	1.103(c) for			•			•
		of mont	ths. (Period of a	uspension shall no	t exceed 3 mon	tha; Fee under 37 C.F.R. § 1.1	7(i) required)
b.	Other						
3.	Fees The	RCE fee under	37 C.F.R. § 1.17	(e) is required by	37 C.F.R. § 1.11	4 when the RCE is filed.	
	For:	Column	Column	SMALL I	ENTITY	OTHER THAN A S	MALL ENTITY
		1 No.	2 No.	RATE	FEE	RATE	FEE
		Filed	Friten				

For:	Column Column 1 No. 2 No. Filed Extra		SMALL ENTITY RATE FEE		OTHER THAN A SMALL ENTITY RATE FEE		
Request for Continued Examination (RCE)			1	\$ 395		\$ 790	
Multiple Dependent Claims			0 x \$ 180	\$0	\$ 360	S	
Total Claims	48 - 20=	28	28 x \$ 25	\$ 700	\$50	S	
Independent Claims*	4 - 3=	1	1 x \$ 100	\$ 100	\$200	\$	
			TOTAL	\$1195	TOTAL	<u>\$</u>	

E The Commissioner is hereby authorized to charge \$1195.- filing fees to Deposit Account No. 50-1407. In the event additional fees are required, please charge these additional fees to Deposit Account No. 50-1407. In the event of overpayment, please credit Deposit Account No. 50-1407.

SIGNATURE OF AFFLICANT, ATTORNET, OR AGENT REGULATED							
Name (Print/Type)	Martin D. Moynihan	Registrati (Attorney)		40,338			
Signature	Martine Moneto	Date	August 4, 2006				



PTO/SB/30 (08-00)
Approved for use through 10/31/2002, OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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**REQUEST** FOR

## CONTINUED EXAMINATION (RCE) **TRANSMITTAL**

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See The American Inventors Protection Act of 1999 (AIPA).

Application Number	10/648,474
Filing Date	August 27, 2003
Examiner Name	Daniel D. Chang
First Named Inventor	Arkadiy MORGENSHTEIN
Group Art Unit	2819
Attorney Docket Number	26327

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the patent term edjus Fed. Reg. 50092 (Au established RCE pra	stment provisions of thing, 16, 2000); Interimitation.	ne AIPA. See Ci Rule, 65 Fed. R	hanges to Appli leg. 14865 (Mar	cation Examination at 20, 2000), 1233 Off.	nd Provisional A Gaz. Pat. Offic	Application Practic ce 47 (Apr. 11, 200	e, Final Rule, 65 00), which	
1. Submission required under 37 C.F.R. § 1.114								
a □ Previou	a.   Previously submitted							
i. 🛛 Consi	ider the amendr	nent(s)/repl	y under 37	C.F.R. § 1.116	previously 1	filed on		
/Amy upo	(s)tnembneme hosets	referred to abo	ve will be enter	æd).				
	ider the argume	ents in the A	Appeal Brie	er or Reply Brie	r previousi	y med on		
b. Enclos								
i. Es Amei	n <b>dment/Reply</b> avit(s)/Declarati	on(c)						
II. LI AIII02	nation Disclosu	uii(s) ra Stateme	ent (IDS)					
iv 60 Othe	r ONE (1) Mon	th Extensi	on fee					
v. 🗆 Other								
2. Miscella						•		
a. Suspe	ension of action of	n the above	-identified a	pplication is requ	ested unde	r 37 C.F.R. §		
1 103(c)	for							
a per	iod of mont	hs. (Period of	suspension sha	Il not exceed 3 month	is; Fee under 3	7 C.F.R. § 1.17(i)	rednjueq)	
b.   Other								
3. Fees	The RCE fee under	37 C.F.R. § 1.1	7(e) is required	by 37 C.F.R. § 1.114				
For:	Column	Column	SMAL	L ENTITY	OTHER	THAN A SM	ALL ENTITY	
	1 No.	2 No.	RATE	FEE	RAT	E	FEE	
	Filed	Extra				<del></del>		
Request for					\$ 790			
Continued						ſ		
Examination (RCI			0 040			\$ 360	S	
Multiple Depende	ent		0 x S 18	0 \$0		3 300	<b>.</b>	
Claims					S			
Total Claims 48 - 20= 28 28 x \$ 25 \$ 700 \$50				<b></b>				
			1 - 6 10	0 8100		\$200	\$	
independent 4-3- 1 123100 3100						•		
Claims* TOTAL \$1195 TOTAL \$								
			TOTAL	<u>\$1195</u>	10	TAL	<u> </u>	
☐ The Commissioner is hereby authorized to charge \$1195 filing fees to Deposit Account No. 50-1407. In the event additional fees are required, please charge these additional fees to Deposit								
Account No. 50-1407. In the event of overpayment, please credit Deposit Account No. 50-1407.								
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED								
Name Martin D. Moynihan Registration No. 40,338								
(Print/Type) (Attorney/Agent								
Signature Martin ( Monate Date August 4, 2006								
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Adjustment date: 05/22/2008 SDIRETA1 08/08/2006 HALI11 00000009 501407 10648474 02 FC:2201 100.00 CR 700.00 CR

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